G. R. S. App. F. IX-4]

Previous References.

194 2-

File No. 2-42

Serial Nos. 18

Later References.

PRESERVED

GENERAL AND REVENUE SECRETARIAT

Serial Nos. One

Part B for September 1942

SUBJECT.

Recommendation No. 24 of the Indian Jail Committee regarding the grant of remissions to prisoners pending trial.

No. P. 1789-99 Dated 12.9.42

To

The I.G. of Prisons.

The Secretary, High Court of Judicature,

The Superintendent, Government Press,

Labore.

Copies of the letter, etc. are forwarded for information and necessary action.

Prisons Reforms – Under-trial prisoners under detention

General and Revenue Secretariat | File No. 2 of 194 2 | [App. F. III—2

Serial No.

1

The Prisons Reforms Committee observes that during their visits to jails and lock-ups, they have come across several instances of under-trial prisoners being detained for unreasonably long periods, often exceeding three and sometimes even six months in the aggregate. They state that to keep as large numbers of prisoners awaiting trial for months together is not only a great hardship to the prisoners themselves, but entails on Govt a considerable expenditure of money for their maintenance in prison. They Committee offer the following suggestions in the matter:—

1) The officers in charge of every prison where undertrials are kept should be required to send to the Magistrates concerned fortnightly reminders regarding all cases of detention for more than 14 days. He should also intimate all cases of under-trials detained for bailable offences where bail is likely to be offered

2) If the detention exceeds one month, he should report the fact to the Dist Magte; and if it exceeds three months, also to the Inspector-General, who may if necessary bring the matter to the notice of the Govt

4) The submissions may be prescribed

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

Serial No.

of a quarterly statement of under-trial prisoners, showing separately the number of those in custody for more than three months in cases before Magtes and for more than six months in cases before the Court of Sessions. It would have a salutary effect if the Govt and the High Court were to take adequate notice of particularly gross cases of prolonged detention. (Paras 104 to 106 of Chapter III of the Report.)

The I.G. of Prisons is of opinion that the fortnightly reminders suggested by the Committee would involve too heavy a work for the clerical staff. He suggests that it would be enough if the Superintendents of jails and officers in charge of lock-ups are required to send to the Dist Magtes and the I.G. of Prisons quarterly statements of ~~prisoners~~ persons as undertrials whose detention exceeds three months, and that the submission to the I.G. of Prisons and the High Court of a statement of under-trials who are detained for more than six months may be prescribed.

The High Court's reference to the recommendations of the Committee may perhaps be invited and their views on

'A'

PRISONS

Reforms

3955/41

C 1114/41-42

General and Revenue Secretariat | File No. | of 194 . | [App. F. III—2

Serial No.

Subject ascertained

MKV 18/1/42

Law Secy)

'A' may be done

Hm 2 23.1.42

MKV. 23/1/42

G.O No.p 115 dated 18th March 1942

Forwarded with compliments to the Registrar, High Court for favour of obtaining the views of the Judges of the High Court in the matter

H.V. Narayana Rao

Secretary to Govt, Law Dept.

SECY. LAW DEPT. 17 JUN. 1942 GOVT OF MYSORE

H.C. 18 MAR. 1942 OF MYSORE

C 1814/41-42

High Court of Mysore,

Bangalore, 9 July 1942.

REGISTRAR H.C. 18 MAR. 1942 OF MYSORE

R. Dis 12/42-43

Enc: one

Returned with compliments to the Secretary to Government, Law Department, with copies of the minutes made by Judges. If the Government agree with the proposals of the Chief Justice and will issue the necessary orders to Superintendents of Jails and Sub Jails, the High Court will propose separately the addition of columns to the supplemental statement to Quarterly Return II.

SECY. LAW DEPT. 10 JUL 1942 GOVT OF MYSORE

N. Samaiengar

Registrar.

10.7.42

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

10.7.42

3757

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It is respectfully submitted that the observations made in para 1 of the minutes of the Chief Justice are not correct. Paras 104 to 106 deal with the subject-matters contained in the Secretariat note.

Submitted for orders.

SKV 11/7

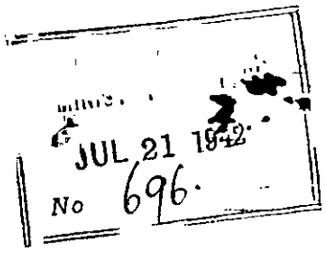
Law Secy.)

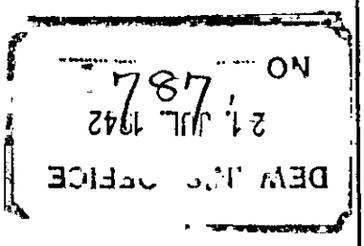
Though the High Court appears to have been mainly guided by the present improved condition and as observed by Mr. Justice S. Venkataranga Iyengar, detention of under-trial prisoners for unreasonably long periods appears to be ancient history, history may repeat itself. Even at present two very bad instances came to his notice and one such instance came to the notice of Mr. Justice T. Singaravelu Mudaliar. Therefore the remedy must be effective not only for the present but also for the future.

However the proposal made by the Chief Justice and accepted by the other Judges viz., - "I propose that we add a few columns to the form of our own Supplementary Statement to Quarterly Return II. I suggest that after column 7 of that statement we add a column headed 'No. of cases among those shown in column 7 in which any accused person has been in Jail over two months'. And after column 8 I suggest that

Prison reforms – Under trial prisoners, undue detention

Serial No.





we insert a new column headed 'No. of cases among those shown in col.8 in which any accused person has been in Jail over six months'. After column 13 I suggest that we insert two new columns before the Remarks column- one headed 'No. of under-trial prisoners, who at the end of the quarter had been in jail over two months' and the other headed 'No. of under-trial prisoners, who at the end of the quarter had been in jail over six months'." - may be accepted and tried.

The Chief Justice has no objection to frame a rule that an officer in charge of every prison where under-trials are kept should intimate to the Magistrate concerned without delay all cases of under-trials detained for bailable offences where bail is likely to be offered by them or on their behalf. This may be done.

Minister for Law & Defence

The chief justice's opinion may be accepted

21/7

24/7/42

NOTE—Contn. Sheet.

Prison Reforms – under detention of under trial prisoners

File No. of 194 . | General and Revenue Secretariat.

Serial No.

Draft G.O. is submitted for consideration –

JMRR 1/9

Law Secy)

May be approved

Govt 1-9-42

JMRR 1/9

Minister for Law

Govt 2-9-42

JMRR 2/9

SECY. LAW DEPT. 2328 1 1942. GOVT OF MYSORE

OFFICE OF THE MINISTER FOR LAW SEP 2 1942 No 2038

Note 18 of Prisoners

" Mgr. High Court.

" Dues of Govt

" Supdt Govt P & S.

G.O. No. P 1769-999 12-9-42

Passed orders on the recommendations of the Prison Reforms Committee re the under detention of under-trial prisoners.

B 24/9/42

Copies of Minutes made by the Judges. 7

The Chief Justice:-

The Secretariat office-note refers to paragraphs 104 to 106 of the Prison Reforms Committee's report. In paragraph 104 there is a vague proposal that the law of arrest in Mysore might be altered. In paragraph 106 there is a proposal that some deduction from a sentence of imprisonment in consideration of the time spent by the person sentenced as an undertrial prisoner should be prescribed by law. But neither of those proposals appears to be the subject of this reference, and I shall discuss neither of them on this occasion.

We shall all agree with the Committee that it is wrong to detain a person in jail awaiting trial a day longer than is necessary. That is one of the reasons why we have so long been making efforts to get Magistrates to do their work more promptly and in particular to regard it as a scandal to have any case on their files so long as six months. The Committee appear to have been working on statistics of 10 years going back to 1929. That may have obscured in their minds the very considerable improvement in the last few years, which both Sessions Courts and Magistrates have made in disposing of cases with reasonable promptness. But the Committee say that they actually found in jails on visits undertrial prisoners, who had been there for unreasonably long periods. They do not say how many they found; but they speak of "several instances". We could have understood better what they found, if they had given numbers and had told us how many of the prisoners, who had been in prison for long periods, were awaiting trial by Sessions Courts after committal proceedings and how many were

for trial by Magistrates. But it is clear that the Committee were not satisfied with what they found; and their proposals to improve matters deserve very respectful consideration.

It appears to me that the Committee's proposals are unnecessarily complicated. The multiplication of returns and statements is an evil. It may almost be said that the more returns are prepared, the less attention is paid to them. To prescribe a statement or return, which is not really necessary for the purpose of efficient work is to cause waste of time, labour, stationery and money.

The Committee's first proposal in this connection is that the Superintendent of every jail or lock-up shall send a fortnightly reminder to the Magistrate concerned in regard to every under-trial prisoner, who has been in jail for 14 days. I agree with the Inspector General of Prisons that such a rule would give Superintendents too much trouble. Under-trial prisoners would complete their fortnight's detention on different days, and a Superintendent might have to send a reminder to some Magistrate or other every day of the week. And I do not think a reminder sent to the Magistrate concerned by the Superintendent would have much effect. A Magistrate not wholly irresponsible or incompetent may surely be expected to keep some watch on the number of accused persons, whom he has sent to jail while they await their trial by him: if he persuades himself that he cannot help their number mounting up, it is not likely that he will pay much attention to an irritating reminder from an officer of another department. In my opinion,

if he is to call attention to the matter, it is to the District Magistrate that the Superintendent should send his communication. It is the District Magistrate s duty to see that accused persons are not kept in prison too long awaiting trial, as it is his duty to see that the Magistrates subordinate to him do their work in other respects with reasonable promptness. And it is mainly by impressing on District Magistrates their duty in those respects that the Government and the High Court have at last been able to stop a great deal of the delay in trial Magistrates' Courts. If the District Magistrate's attention is drawn pointedly to the fact that prisoners of any Magistrate are being kept too long in jail awaiting trial, it will be for him to put things right; and an appropriate communication from him will have a hundred times more effect on the trial Magistrate concerned than a reminder from the Superintendent of the jail. I suggest that a rule be introduced that on a convenient day of each month-- say on the 5th-- the Superintendent of each Jail or Sub-jail or Magisterial Lock-up, as it may hereafter be called, shall send to the District Magistrate concerned a return showing every under-trial prisoner in his charge, who at the end of the previous month had been in jail for a month or more awaiting trial or other proceedings in a Magistrate's Court, and specifying the Magistrate, the case and the total period of detention. By looking up his registers the Superintendent can give that information with very little trouble. He will have only to ascertain which of his under-trial prisoners admitted in the month before last is still with him. I think a monthly return of that sort will

be enough. It is of no use to pester either the District Magistrate or the trial Magistrate too often. If the District Magistrate scrutinizes the return with any care, he will be able to pull up any trial Magistrate, who may require it. And he will have no excuse for saying that he is not aware of what is going on in the Courts of trial Magistrates subordinate to him in this respect.

I do not think any other new statement or return need be prescribed. Sessions Judges can be trusted to watch the number of prisoners committed to their Courts for trial. And I do not think there is sufficient justification for requiring the submission of new statements to the Inspector-General of Prisons, the High Court or the Government.

In the High Court we ought to know whether under-trial prisoners are being detained too long. The histories of 6-months cases which have now to be attached to the Supplementary Statement to Quarterly Return II give some information on the subject. In each history the nature of the case and other information very often indicate whether the accused are in jail. But it would be useful to have figures for under-trial prisoners of each Court brought out prominently in the Statements. In Madras there are columns in the quarterly statements for that purpose. I find that we have no specimens of the Madras statements, and I do not think we need delay our answer to this reference by trying to get them. I propose that we add a few columns to the form of our own Supplementary Statement to Quarterly Return II. I suggest that after column 7 of that statement we add a column

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headed "No.of cases among those shown in col.7 in which any accused person has been in jail over two months". And after column 8 I suggest that we insert a new column headed "No.of cases among those shown in col.8 in which any accused person has been in jail over six months". After column 13 I suggest that we insert two new columns before the Remarks column- one headed "No.of under-trial prisoners, who at the end of the quarter had been in jail over two months" and the other headed "No. of under-trial prisoners, who at the end of the quarter had been in jail over six months". The Supplementary Statement would then give us, I think, information on this subject, which would strike the eye at once.

In my opinion the purpose of the Committee, in regard to which we must certainly support them, would be achieved by making those additions to the Supplementary Statement to Quarterly Return II and introducing the monthly return to be sent by Superintendents of Jails and Sub-jails to District Magistrates without any more elaborate and troublesome arrangements.

The Committee also recommend that the Superintendent of any Jail or Sub-jail should inform any Magistrate, who has committed any prisoner in a bailable case, as soon as he learns that the prisoner is able, or likely to be able, to give bail. I doubt whether any new instructions are required about that. Under the present rules a prisoner can make to the Superintendent any representation he wishes to make at any reasonable time. And surely, if a prisoner in a bailable case had been committed to jail because he had not been able to find

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sufficient bail but afterwards informed the Superintendent that he was able to find the bail required, it would be only a very callous and incompetent Superintendent who would fail to report that information to the Judge or Magistrate concerned. But, if the Government think it wise to add a specific paragraph to the Jail Manual, pointing out to Superintendents their duty in such a case, we can have no objection.

Adl-ul-Mulk Mr.Justice C.Abdul Ghani:-

Except in cases triable exclusively by a Court of Session, there are not likely to be many instances, at any rate latterly for about 2 to 3 years past, of under-trial prisoners languishing in Jails and lock-ups for any appreciable length of time awaiting trial. The returns of old cases disclose that their number is decreasing rapidly and the number of cases pending for over three months is now appreciably small. Moreover, bail is almost the rule in bailable cases and even in heinous non-bailable cases granting of bail is fairly common. Invariably in practice preference is given to cases in which the accused are in custody. It is only in exceptional cases that an accused is detained in custody for any length of time. I agree with the learned Chief Justice that the measures suggested by the Committee are unnecessary apart from their involving extra labour, time and cost. A monthly return

by the Superintendent to the District Magistrate of under-trials in custody for over two months, and information in the Quarterly Returns on this point as suggested by the Chief Justice appear to be quite enough to take action when necessary.

Rajadharmaprasakta Mr.Justice A.R.Nagesvara Iyer:-

I also agree with the Chief Justice and I do not think I can add anything useful to the notes of my learned brothers.

RAJADHARMAPRASAKTA

Mr.Justice T.Singaravelu Mudaliar:-

I agree with the Chief Justice. The vigilance exercised by the Chief Justice over criminal cases has in recent years reduced considerably the number of cases in which inordinate delay occurs as also the number of cases in which prisoners are unnecessarily detained in custody pending not only trial but also police investigation. Recently there was a case before the Special Magistrate(I Class) of Shimoga in which more than 70 accused were kept in custody pending enquiry before him for committal and not more than one witness was examined for three months and when they moved the High Court for bail, they were granted bail on the main ground of unnecessary detention and inordinate delay in prosecuting the case. However, I agree that the returns proposed by the Chief Justice may be adopted.

Mr.Justice S.Venkata Ranga Iyengar:-

I agree to the measures proposed by the Chief Justice. Detention of under-trial prisoners for unreasonably long periods appears to me to be ancient history. There were several such instances before the separation of the Judicial from the Executive, when Revenue Officers, who were also ex officio Magistrates, could not devote their whole time for the disposal of criminal cases and used to be absent from their head-quarters frequently on tours, and also for some time after the separation scheme came into effect and when there was a lot of congestion in criminal Courts. I know of an instance in which, in 1931, a large number of under-trial prisoners including some whose presence had been secured from British India by the issue of extradition warrants had been kept in custody in a District Lock-up for periods extending beyond 6 months, on account of the congestion of work in the Special First Class Magistrate's Court at that Station; so much so that the Lock-up Officer had to move the Government, through the District Magistrate, for extra allotment of funds for their maintenance. There is now no reason to apprehend any such state of affairs because, in recent years, on account of the close and vigorous supervision by the High Court and the District Magistrates over the work of the subordinate Magistrates in the State, there is no congestion in the criminal Courts and the work in those Courts is fairly up-to-date. There has been a gradual decrease in the average duration of cases in the Magistrates' Courts from year to year. In the Courts of the District Magistrates, the average duration of trials was 50.6 days in 1937-38

26.6 days in 1938-39, 31.6 days in 1939-40 and 11.8 days in 1940-41. In the Courts of the other stipendiary Magistrates, it was 52.1 days in 1937-38, 40.4 days in 1938-39, 37.7 days in 1939-40 and 32.1 days in 1940-41. Similarly, the number of regular cases over six months old left pending in the criminal Courts in the State was 336 at the end of 1938-39, 112 at the end of 1939-40 and only 29 at the end of 1940-41. I do not think such a result has been achieved in any other State or anywhere in British India. The Magistrates in Mysore are now methodical in posting and prompt in disposing of cases and are giving preference to cases in which accused are in custody. I am therefore inclined to think that, at present, instances of under-trial prisoners being detained for unreasonably long periods are very few, and even in those few cases it may be due to some quite exceptional reasons, entirely beyond the control of the Magistrates. If any such instances of delay in the disposal of cases in which accused are in custody come to the notice of the High Court, on perusal of calendars or while reviewing the quarterly returns, the erring Magistrates are being pulled up severely.

The Committee on Prison Reforms in Mysore have, in paragraph 104 of Chapter III of their report, made the following observation:- "During our visits to jails and lock-ups, we have come across several instances of under-trial prisoners being detained for unreasonably long periods, often exceeding three and sometimes even six months in the aggregate" It was in the year 1940-41 that the Committee visited the jails and lock-ups in the State. In Appendix IV of the report, the

institutions visited by the Committee in the State are mentioned. Leaving, out of those institutions, the Prisoner's Camps at Byramangala and Thippaganahalli and the Mental Hospital at Bangalore, the other institutions visited by them were the sub-jails at Shimoga and Thirthahalli, the jail at Mysore and the Central Jail at Bangalore. There could not have been any-under-trial prisoners in the sub-jail at Thirthahalli. It therefore follows that they came across under-trial prisoners in the sub-jail at Shimoga, in the Mysore Jail and in the Central Jail at Bangalore. I am inclined to believe that the under-trial prisoners they came across were mostly if not wholly, those awaiting trials in Courts of Session after commitment. I venture to say so because, for the reasons already mentioned, as also for the reason that, in view of the liberal policy underlying Section 497 of the Code of Criminal Procedure as amended in Mysore in 1927, Magistrates are freely granting bail to the accused, except in cases of offences punishable with death or transportation for life, detention of accused in custody pending trial in Magistrates' Courts is, in recent years, rare, except in committal cases. The Committee do not say how many instances they came across. If, at the time they visited the jails at Shimoga, Mysore and Bangalore, there were pending in each of the Sessions Courts at those centres 2 to 3 sessions cases and if in each of those cases there were 3 or 4 accused, the number of under-trial prisoners would be sufficiently large to attract the notice of the Committee and that may be the reason for the statement in their report that they came across several instances. But it need not worry us, as such instances are not uncommon and are inevitable.

though a sessions trial, when once it commences, is disposed of within a few days thereafter, it is not uncommon that there will be some interval, sometimes extending even to 2 months, between the date of commitment and the date on which the trial begins, depending on the state of work in the Court of Session. The total period of detention as under-trial prisoners, in such cases, from the date of arrest and until the conclusion of the Sessions trial may go beyond 3 months or even extend sometimes, in exceptional cases, to a few months more. The situation, therefore, in recent years, as regards the matter under consideration does not appear to be really so bad as what is apprehended by the Committee, although everyone must agree with the principle enunciated by the Committee in paragraph 105 viz. "To keep a large number of prisoners awaiting trial for months together is not only a great hardship to the prisoners themselves, but entails on Government a considerable expenditure of money for their maintenance in prison.

It cannot be said that there are now no instances at all of prolonged detention of under-trial prisoners. Two very bad instances of the kind came to my notice recently. In C.C.No.162/41-42 on the file of the Special First Class Magistrate of Hassan, a charge-sheet was placed against the accused on 25th March 1941, for an offence under Section 302 of the Penal Code. It was only on 29th November 1941 that the inquiry under Chapter XVIII of the Code of Criminal Procedure was concluded in the Magistrate's Court and the accused were committed to take their

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trial before the Court of Session. The Magistrate did not send his Resumé to the Sessions Judge till 12th December 1941. The trial in the Court of Session was commenced on 16th February 1942 and was concluded on 25th February 1942, with the result that the accused were in custody, as under-trial prisoners, ever since they were arrested in March 1941 and until the trial was concluded on 25th February 1942. There was no justification at all for the inordinate delay in the committing Magistrate's Court in that case. In C.C.No.273 of 1940-41 on the file of the Special First Class Magistrate of Mysore, a charge-sheet against four accused was placed on 6th January 1941. Two of the accused who had been arrested by then were in custody. Two other accused surrendered themselves to the Court on 12th February 1941. The inquiry under Chapter XVIII was concluded on 24th November 1941 and all the four accused were committed to sessions. The trial in the Sessions Court concluded on 31st January 1942, with the result that three of the accused were acquitted and only one was convicted of the offence of murder and was sentenced to transportation for life. It is thus seen that three of the accused, although finally were acquitted, remained in custody as under-trial prisoners for an unreasonably long period in that case, though there was some justification for the delay in that case by reason of the fact that a Police Sub Inspector, who had investigated the case and whose services had been dispensed with, was not available and his presence could not be secured in spite of several attempts.

The suggestions offered by the Committee in paragraph 105, Chapter III, of their Report appear to be cumbersome and unnecessary. The measures suggested by the Chief Justice appear to be quite enough. If the system of submitting a monthly return by the Superintendents of Jails and Lock-ups to the District Magistrates as regards under-trial prisoners in their charge is introduced, the District Magistrates will be in a position to take adequate notice of cases of prolonged detention of under-trial prisoners and pull up the erring Magistrates. The addition of a few columns to the form of Supplementary Statement to Quarterly Statement II, as suggested by the Chief Justice, will be enough to enable the High Court to exercise necessary check in the matter.

Mr.Justice C.Subrahmanya Aiyar:-

I agree that no useful purpose will be served by a fortnightly reminder to the Magistrate from the Jail Superintendent. Every case in which there is an under-trial prisoner in custody will come up before the Magistrate in Court at least once in 15 days under Sec.344, Criminal Procedure Code. This itself is a sufficient reminder to the Magistrate and unless he is grossly indifferent and irresponsible he will not go on adjourning custody cases except for sufficient reasons. In regard to such a Magistrate a pull up from the District Magistrate will be more useful. Magistrates invariably give preference to custody cases, and at present it is not likely that there are many custody cases running over 6 months.

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I agree with the suggestions of the Chief Justice.

Registrar.

NVK.2.

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I. R. S. App. F VI—G 2]

SUBJECT .....

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Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *194*

Date of issue 194

Signed by .....

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Section Pris

File No. 2-42

Serial No. 18

Proceedings of the Government of His Highness the Maharája of Mysore.

Read— Recommendation No. 84 of the Prison Reforms Committee regarding the undue detention of prisoners pending trial, and the views of the I. G. of Prisons and the High Court thereon

Order thereon—No. P 1789-99/Pris 2-42-18 & 12 9/42

The Prison Reforms Committee state in para 105 of Chapter III of their Report that the detention ~~of~~ for unduly long periods of prisoners pending trials calls for effective action and offer the following suggestions in the matter

1) That officers in charge

of every prisons where undertrials are kept should be required to send to the Magistrate concerned fortnightly reminders regarding all cases of detention for more than fourteen days. He should also intimate to the Magistrate without delay all cases of under-trials detained for bailables offences where bail is likely to be offered by them or on their behalf.

2) If the detention exceeds one month, the officer in charge should report the fact to the District Magistrate; and if it exceeds three months, he should also make a report to the Inspector-General, who may, if necessary bring the matter to the notice of Govt.

3) ~~The submission may be prescribed of~~ a quarterly statement of under-trial prisoners, showing separately the number of those in custody for more than three months in cases before Magistrates and for more than six months in cases

List of Enclosures

Copied by

Examined by

WD 087—GPB—40,000—14-11-40

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form*).

may be prescribed before the Courts of Session. It would have a most salutary effect if the Govt and the High Court were to take adequate notice of particularly gross cases of prolonged detention.

The I. G. of Prisons is of opinion that the forthnightly reminder suggested by the Committee would involve too heavy a work for the clerical staff. He considers that it would be enough if the Superintendents of the Jails and officers in charge of Lock-ups are required to send to the District Magistrates and the I. G. of Prisons quarterly statements of persons whose detention as undertrials exceed three months, and that the submission to the I. G. of Prisons and the High Court of a statement of undertrials who are detained for more than six months may also be prescribed

WD 03697—GPB—30,000—2-2-46

The High Court who were also consulted in the matter agree with the Inspector-General of Prisons that the Committee's proposal that the Supt of every jail or Lock-up officer should send a fortnightly reminder to the Magistrate concerned in regard to every under-~~trial~~ trial prisoner, who has been in jail for fourteen days, would involve too much work for the Superintendents and would not have much effect. They are of opinion that if the Superintendent is to call attention to the matter, it is to the District Magistrate that he should send his communication, as it is the District Magistrate's duty to see that accused persons are not kept in prison too long awaiting trial and that the Magistrates subordinate to him do their work in other respects with reasonable promptness.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form*).

the High Court accordingly suggest that as rules may be introduced that one a convenient day of each month - says one the 6th the Superintendent of each jail and the officers in charges of each Lock-up shall send to the District Magistrate concerned as returns showing every under-trial prisoners in this Charge, who at the end of the previous month had been in jail for a months or more awaiting trial or other proceedings in a Magistrate's Court, and specifying the Magistrate, the case and the total period of detention. The High Court further observes that if as rules to this effect is issued, the High Court will propose separately the addition of columns to the supplemental statement to Quarterly Returns

WD 03697—GPB—30,000—2-2-46

IV.

As regards the Committee's recommendation that the Supt should to the Magistrates concerned intimate all cases of unders-trials detained for bailables offences where bail is likely to be offered, the High Court state that they have no objection to the addition of a specific paragraph to the Jail Manual pointing out to Supts to their duty ~~in such a case~~ on learning that a representation by ~~or on behalf of~~ a person undergoing ~~trial for a~~ detained in prison pending trial for a bailable offence is able or willing to give bail, to get bail ~~if~~ Govt agree with the views of the High Court and considers that the purpose which the Committee have in view would be achieved by introducing a monthly returns to be sent by Supts of jails and Officers in Charge of Lock-ups to the District Magistrates as suggested by the High Court and by the additions which the High Court propose to make to the Supplementary Statement to Quarterly Returns

permit me that under the present rule a prisoner can make to the Supt any representation he wishes to make at any reasonable time and

The form of monthly return appended here to will be found as form No 76 N.W. the Jail Manual Part II and form 22 of the

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form*).

they approve also the recommendation of the Committee that the officers in charge of every prison where under trials are kept should intimate to the Magistrate concerned without delay all cases of under-trials detained for bailable offences where bail is likely to be offered by them or on their behalf.

Govt direct accordingly the issue of the following amendments to the rules in the Jail Manual Vol I, and the Lock-up manual —

I Insert the following as rules 661 & A of the Jail Manual

"661A. The Superintendent shall intimate to the Magistrate concerned without delay all cases of under-trials detained for bailable offences where bail is likely to be offered by them or on their behalf"

II Insert the following as rule 825A —

"825A. On or before the 5th

WD 03697—GPB—30,000—2-2-46

of every month, the Superintendent shall send to the Dist Magistrate concerned as returns in Form 76A showing every under trial prisoner in his charge, who at the end of the previous month has been in jail for a month or more awaiting trial or other proceedings in a Magistrate's Court, and specifying the Magistrate, the case and the total period of detention

III. The following shall be inserted as rule 160A and 160B in the Lock-up Manual —

"160A. On or before the 5th of every month, the officer in charge of a lock-up shall send to the Dist Magistrate concerned a return in Form 22 showing every under-trial prisoner in his charge, who at the end of the previous month has been in jail for a month or more awaiting

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form*).

trial or other proceedings in a Magistrate's Court, and specifying the Magistrate, the case and the total period of detention"

"160A. The Officers in charge of a Lock-up shall intimate to the Magistrate concerned without delay all cases of under-trials detained for bailable offences where bail is likely to be offered by them or on their behalf"

Secy to Govt
Law Deptt.
1-9-42

~~Secy to G~~

To,

The D.C. of Bijapur.
The Asst Magistrates of Dists
The Supdt Govt Printing and Stationery

WD 03697—GPB—30,000—2-2-40

Form 76A. M.J.M
Form 22 M.L.M

Form 76A
22

Monthly return showing the names of undertrial prisoners ~~confined~~ in ~~Sub~~ Jail, Sub-Jail or Dist. Lock-up ~~Taluk~~, Magisterial lock-up, ... Taluk ..... District, ~~remaining~~ detained in the Sub-jail or Lock-up for a month or more awaiting trial or other proceedings in a Magistrate's Court

Sl No.	Name of Under-trial Prisoner	Case No.	What Court	Date of admission of detention	Total period	Remarks

* This return should ..... before the 5th of every month.

Date

Lock up or Sub-Jail Officer
~~or~~
Supdt

JMM 2/9